

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 7, 1994

ALL-COUNTY INFORMATION NOTICE NO.  
I-45-94TO: ALL COUNTY WELFARE DIRECTORS  
ALL AFDC PROGRAM COORDINATORS  
ALL GAIN COORDINATORS  
ALL FOOD STAMP COORDINATORS

## REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) ELIGIBILITY  
FOR CARETAKER RELATIVES OF DEPENDENT FOSTER CARE CHILDREN

The following information has been requested regarding administering All County Letter (ACL) No. 94-91, Aid to Families with Dependent Children (AFDC) eligibility for caretaker relatives of dependent foster care children. ACL 94-91 informed counties of the federal change in policy that gives needy caretaker relatives of foster care children receiving AFDC-Foster Care (FC) benefits the option of receiving AFDC-Family Group (FG) benefits for herself/himself. This change in policy became effective March 1, 1994. **A County Fiscal Letter with fiscal claiming instructions for issuing retroactive benefits will follow.**

**Question 1:**

**What is the date on the informing Notice sent by the California Department of Social Services to caretaker relatives of foster care children?**

The date on the Notice is November 30, 1994. A caretaker relative has 60 days from that date to contact his or her eligibility worker regarding eligibility for retroactive benefits. If the caretaker relative fails to respond prior to February 1, 1995, however, he/she may still request an Intraprogram Status Change.

**Question 2:**

**If a caretaker relative is receiving AFDC-FG for a foster care child, as well as for herself/himself, and now elects to apply for foster care benefits for the child and AFDC for herself/himself, what process is required?**

This is considered an Intraprogram Status Change.

**Question 3:**

**What documents do the county need in order to change an AFDC-FG case to an AFDC-FC case?**

Counties must ensure the completion of all documents necessary to support eligibility to the AFDC-FC program, such as: the SOC 158A (Foster Child's Data Record and AFDC-FC Certification), FC 2 (Statement of Facts Supporting Eligibility for AFDC-Foster Care), FC 3 (Determination of Federal AFDC-FC Eligibility), FC 4 (Program Choice Indicator), Court Orders, etc.

**Question 4:**

**Are the benefits retroactive to March 1, 1994?**

Yes, if the caretaker relative responded to the Notice (see Question 1).

**Question 5:**

**What is required if a caretaker relative has been receiving foster care benefits for a foster care child and now elects to apply for cash aid for himself/herself retroactive to March 1, 1994, or to the date aid started if subsequent to that date.**

The applicant must complete a SAWS 1, a JA 2, provide all the documentation for establishing eligibility, and a CA 7 for each month of retroactive eligibility.

**Question 6:**

**Can a caretaker relative apply as a needy caretaker relative if the family consists of a mother with two children receiving no income other than child support, and a third child, a niece of the mother, is receiving foster care benefits?**

If the mother and her two children are needy, they may apply separately for AFDC-FG. If an application is made on behalf of the children, mandatory inclusion rules require that the mother be included in an AU with her children. However, if the mother does not wish to apply for her children, she may apply as an AU of 1, the needy caretaker relative of a foster care child under the new policy. In this situation she is seeking separate AFDC-FG eligibility as the caretaker relative of a dependent foster care child. Since the child support is paid on behalf of children not being aided, it is not considered as income, and the two children are not included in the AU. Therefore, the child support is unavailable to meet the mother's needs and she qualifies for AFDC-FG. (See 44-101, Definition of Income.)

**Question 7:**

**If a caretaker relative has been receiving AFDC-FG for herself/himself and for a foster care child and now elects to apply for foster care benefits retroactive to March 1, 1994, is the FG an overpayment?**

It would not be an overpayment in AFDC-FG since the child was eligible for both programs. For claiming purposes, an accounting adjustment to both programs is necessary and the recipient is then issued any supplemental foster care benefit.

If you have any questions regarding this notice, please contact either the Foster Care Program Consultant at (916)445-0813, CALNET 485-0813, or Kay Cummins, AFDC Policy Implementation Bureau at (916) 653-5961, CALNET 453-5961.

A handwritten signature in black ink, appearing to read "Michael C. Genest", with a large, stylized flourish at the end.

MICHAEL C. GENEST

Deputy Director

Welfare Programs Division